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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/910,316	07/19/2001	Daniel Putterman	MACV.P0001	2016
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Stattler-Suh PC 60 SOUTH MARKET SUITE 480 SAN JOSE, CA 95113			EXAMINER SALCE, JASON P	
			ART UNIT	PAPER NUMBER
			2623	
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			01/07/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/910,316

Applicant(s)

PUTTERMAN ET AL.

Examiner

Jason P. Salce

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 85,86,88-93,115 and 116 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 85,86,88-93,115 and 116 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/1/2007</u>   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments with respect to claims 85-86, 88-93 and 115-116 have been considered but are moot in view of the new ground(s) of rejection.

### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 11/1/2007 was filed after the mailing date of the Advisory Action on 10/12/2007. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 85-86, 88 and 115-116 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elliot et al. (U.S. Patent No. 6,751,402) in view of Zeidler et al. (U.S. Patent No. 6,901,603) in further view of Chan et al. (U.S. Patent No. 6,038,614).

Referring to claim 85, Elliot discloses a home media system (**see Figure 2**) comprising a network (**see Column 5, Lines 51-58**).

Elliot also discloses that the home media system further comprises an acquisition storage set-top box (**see personal video recorder 200 in Figure 2**), coupled to said network (**see Column 5, Lines 56-58**), for storing at least one digital data content object comprising an executable file (**see stored video streams 222 and 223 in Figure 3**). *The examiner notes that video stream 223 in Figure 3 is processed (**executed**) and output to display 300 (see **Column 6, Lines 36-67**), therefore the video stream 223 represents a digital content object (see **Column 4, Lines 48-66**) comprising an executable file (see **again Column 6, Lines 36-67 for processing a digital video stream 223**).*

Elliot also discloses that the control/playback set-top box (**see set-top box 100 in Figure 2**), coupled to said network (**see Column 5, Lines 51-56 and note that auxiliary interface 130 is a component of set top box 100 in Figure 2**), comprising a media playback module (**see video output interface 120 in Figure 2**) and a media control module (**see microprocessor 140 in Figure 2**), said media control module comprising an applications module for accessing, across said network, at least one digital data content object from said acquisition storage set-top box (**see Column 3, Lines 20-24 and Column 6, Lines 36-53 for a microprocessor (media control module) that recognizes the connection to the digital video recorder 200 and in response to user input 142, generates the command that initiates the playback of a recorded television program stored on the digital video recorder 200**), and for running at least one media application that provides functionality, through a user interface, to play media (**see Column 4, Lines 19-47 for providing a media**

**application to play media in the form of an electronic program guide), said media playback module comprising a decoder for decoding media comprised in said digital data content object (see video output interface 120 containing MPEG decoder 122 in Figure 2 and Column 5, Lines 16-39).**

Elliot also discloses a client device (**see display device 300 in Figure 2**), coupled to said control/playback set top box (**see Figure 2 for display device 300 coupled to set top box 100 in Figure 2**), for displaying said user interface for said media application (**see Column 4, Lines 37-40**) and for playing media comprised in said digital data content object (**see Column 3, Line 64 through Column 4, Line 2**).

Elliot also discloses a video application for playing executable files that comprise digital video files (**see Column 3, Line 64 through Column 4, Line 2**).

Although Elliot discloses that the plurality of different types of executable files includes video files, Elliot fail to discloses that the executable files stored on the acquisition set top box includes audio and image files.

Zeidler discloses a PVR that is capable of storing various types of executable files, including video, audio and pictures/images (**see Column 2, Lines 6-19**).

Zeidler also discloses a photo and audio application for playing digital data content objects that comprise digital photo files (**see Column 2, Lines 6-19**).

Zeidler also discloses an audio client device, coupled to said control/playback set-top box, for playing audio media comprised in audio digital data content objects, wherein said audio client device is configured to only play audio media in audio digital

data content objects and not being configured to play video or image media in video or image digital data content objects (**see audio decompressor 65 in Figure 1**).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the PVR, as taught by Elliot, by including the PVR functionality for storing various types of executable multimedia files, as taught by Zeidler, for the purpose of providing a PVR enabling the receipt, recording, retrieval and playback of a variety of types of data or data files on a hard drive (**see Column 2, Lines 13-15 of Zeidler**).

Although Elliot teaches a client device coupled to said control/playback set-top box, wherein a client device is a display client device for displaying said user interface for said media application and for displaying video media comprised in said video files (**see above**), in addition to Zeidler also disclosing using the same type of display client device (**television**) for displaying images and also including an audio client device for outputting audio media (**see above**), Elliot and Zeidler fail to teach a plurality of client devices with a separate display client device (**television**) and audio client device (**speaker/stereo system**).

Chan discloses a plurality of client devices, which includes a display client device (**element 161 in Figure 1**) and an audio client device (**element 162 in Figure 1**).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the single television display client device (which would include a single speaker to output audio files), as taught by Elliot and Zeidler, to include the separate display client device and audio client device, for the purpose of providing a

higher-quality audio system for outputting audio files (**see Column 3, Lines 37-39 of Chan**).

Referring to claim 86, Elliot discloses that said acquisition set top box further acquires said digital data content object external to said network (see Column 3, Lines 1-61 for receiving a broadcast signal 102 to set top box 100 and providing the broadcast signal to the disk 220 in the digital video recorder 200 for storage, therefore, since the stored video stream is received from a broadcast source (which is external to said home network shown in Figure 2), the digital video recorder (acquisition set top box) 200 clearly receives said digital data content object external to said network).

Referring to claim 88, Elliot discloses that the control/playback set top box comprises a microprocessor, auxiliary interface that comprises an IEEE 1394 circuitry (see rejection of claim 85) and receives user input to allow a user to control the device, as well as outputting an EPG and video output to an external display (see Figure 2), therefore the control/playback set top box clearly represents a personal computing device/system.

Referring to claim 115, Chan further discloses that said audio client device is configured to only play audio files and not being configured to display video or image media in video or image files (**see again Column 3, Lines 32-64**).

Referring to claim 116, Chan further discloses that said audio client device comprises a stereo system (**see again Column 3, Lines 37-39**).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 89 is rejected under 35 U.S.C. 103(a) as being unpatentable over Elliot et al. (U.S. Patent No. 6,751,402) in view of Zeidler et al. (U.S. Patent No. 6,901,603) in further view of Chan et al. (U.S. Patent No. 6,038,614) in further view of Zhou (U.S. Patent No. 6,353,700).

Referring to claim 89, Elliot, Zeidler and Chan disclose all of the limitations in claim 85, but are silent about the control/playback set-top box comprises a frame buffer.

Zhou discloses the use of frame buffers 402, 404 and 406 in Figure 4 for storing MPEG decoded frames, decoded by an MPEG decoder (**see Column 6, Lines 51 through Column 7, Line 32**).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the video output interface 120, as taught by Elliot, Zeidler and Chan, to utilize the frame buffers, as taught by Zhou, for the purpose of providing a method and apparatus for playing an MPEG data file backward with a linear



speed and even decoding computation for each of the compressed frames (**see Column 2, Lines 51-54 of Zhou**).

Claim 90 is rejected under 35 U.S.C. 103(a) as being unpatentable over Elliot et al. (U.S. Patent No. 6,751,402) in view of Zeidler et al. (U.S. Patent No. 6,901,603) in further view of Chan et al. (U.S. Patent No. 6,038,614) in further view of Dara-Abrams et al. (U.S. Patent No. 6,826, 512).

Referring to claim 90, Elliot, Zeidler and Chan disclose all of the limitations of claim 85, but fail to teach that the home media system further comprises a PDA for receiving user input to control said control/playback set-top box.

Dara-Abrams discloses a gateway device 14, which can be a PDA (**see Column 3, Lines 53-56**) in a home media system (**see Figure 2**), which controls audio/video content to be transferred between multiple electronic devices 30, which includes a control/playback set-top box (**see set-top box 58 in Figure 2**).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the home media system, as taught by Elliot, Zeidler and Chan, to utilize the PDA/gateway device, as taught by Dara-Abrams, for the purpose of providing a diversity of additional different consumer electronic devices commonly found in the average home (**see Column 1, Lines 15-16 of Dara-Abrams**).

Claim 91 is rejected under 35 U.S.C. 103(a) as being unpatentable over Elliot et al. (U.S. Patent No. 6,751,402) in view of Zeidler et al. (U.S. Patent No. 6,901,603) in

further view of Chan et al. (U.S. Patent No. 6,038,614) in further view of Mano et al. (U.S. Patent No. 5,793,366).

Referring to claim 91, Elliot, Zeidler and Chan disclose all of the limitations of claim 85, but fail to teach a personal computer for organizing a plurality of digital data content objects stored on said acquisition storage set-top box.

Mano discloses that a personal computer can be used in an IEEE 1394 home network system, similar to Iwamura (**see computer 18 in Figure 1**). The personal computer 18 controls the OSD/GUI (**graphical user interface 10**), which allows a user to playback media from other digital devices (**see Column 4, Lines 35-56**). Further note that Mano discloses that the personal computer organizes a plurality of digital data content objects stored on said acquisition storage set-top box (**see Figures 1 and 3 and Column 7, Lines 15-34 for the personal computer generating a GUI, which can access and organize/edit the data stored on a DVCR 30 or the digital camcorder 40**).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the control/playback set-top box, as taught by Elliot, Zeidler and Chan, using the personal computer, as taught by Mano, for the purpose of providing a control device and interface that allows the user to control a variety of devices from a common source using a common control interface (**see Column 2, Lines 50-52 of Mano**).

Claim 92 is rejected under 35 U.S.C. 103(a) as being unpatentable over Elliot et al. (U.S. Patent No. 6,751,402) in view of Zeidler et al. (U.S. Patent No. 6,901,603) in further view of Chan et al. (U.S. Patent No. 6,038,614) in further view of Huber et al. (U.S. Patent Application Publication 2002/0059588).

The examiner notes that the Huber Publication has priority to two provisional application that provide support for the '588 Publication.

Referring to claim 92, Elliot, Zeidler and Chan disclose all of the limitations in claim 85, but fail to teach that the control/playback set-top box further comprises an access control module for receiving, from a remote control, a user request for a particular digital data content object and for extracting a unique identification of the remote control from the user request, said unique identification being used to restrict access to the particular digital data content object.

Huber discloses that the control/playback set-top box further comprises an access control module for receiving, from a remote control, a user request for a particular digital data content object and for extracting a unique identification of the remote control from the user request, said unique identification being used to restrict access to the particular digital data content object (**see Paragraph 0028**).

At the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the set top box, as taught by Elliot, Zeidler and Chan, to include the remote control functionality, as taught by Huber, for the purpose of offering advantages over the prior art by providing a method and system to customize and tailor

video content to an individual and doing so simply and seamlessly to the user (**see Paragraph 0015 of Huber**).

Claim 93 is rejected under 35 U.S.C. 103(a) as being unpatentable over Elliot et al. (U.S. Patent No. 6,751,402) in view of Zeidler et al. (U.S. Patent No. 6,901,603) in further view of Chan et al. (U.S. Patent No. 6,038,614) in further view of Iwamura et al. (U.S. Patent No. 5,883,621).

Referring to claim 93, Elliot, Zeidler and Chan disclose all of the limitations in claim 85, but fail to teach a digital device for accessing digital data stored on a digital medium and a device interface, coupled to said digital device, for decoding said digital data and for transmitting said digital data on said network.

Iwamura discloses that the home media system further comprises a digital device (**see MD recorder 110, DVD Player 106 or DVCR2 112 in Figure 1**) for accessing digital data stored on a digital medium (**note that any of the digital devices mentioned above acquires digital data from a digital medium, such as a DVD, MD or storage device accessed by DVCR2**) and a device interface, coupled to said digital device, for decoding said digital data (**note that any of the digital devices mentioned above contain circuitry that decodes the data on the digital medium in order for proper transmission over a 1394 network cable**) and for transmitting said digital data on said network (**note that of the devices contain IEEE 1394 bus interfaces used to transmit the digital data content objects over the 1394 network cables**). *Further note Figure 12, for transferring digital data from a DVD 900 to a DVCR1 903.*

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the home network system, as taught by Elliot, Zeidler and Chan, using the DVD player transferring digital data (**over an IEEE 1394 network**) to a DVCR1, as taught by Iwamura, for the purpose of allowing multiple devices in a home network to be controlled and displayed using a topology map displayed as part of a graphical user interface (**see Column 1, Lines 5-8 of Iwamura**).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number:  
09/910,316  
Art Unit: 2623

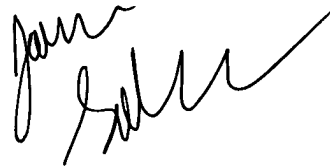
Page 13

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Jason P Salce  
Primary Examiner  
Art Unit 2623

January 2, 2008

JASON SALCE  
PRIMARY PATENT EXAMINER

A handwritten signature in black ink, appearing to read 'Jason Salce', is written over the printed name and title.